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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,304	09/22/2005	Christian Beckhaus	66489-070-7	2092
25269 7590 04/23/2007 DYKEMA GOSSETT PLLC FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005			EXAMINER MIDKIFF, ANASTASIA	
			ART UNIT	PAPER NUMBER
			2882	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/550,304

Applicant(s)

BECKHAUS ET AL.

Examiner

Anastasia Midkiff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-27 and 30-37 is/are rejected.
- 7) ☒ Claim(s) 38-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-27 and 32-34, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent to Pfeiffer (USP# 6,049,584).

With respect to Claim 22, Pfeiffer teaches an x-ray sensitive camera (Abstract, Line 4) comprising:

- a first x-ray sensitive image detector (CCD, Figure 6) for the creation of a first tomographic image with a first depth of focus profile (Column 3 Lines 30-37, and Column 6 Lines 24-35);
- a second x-ray sensitive image detector (S'1, S'2, Figure 6) for the creation of a second tomographic image with a second depth of focus profile (Column 3 Lines 48-59, and Column 6 Lines 24-35);
- wherein adjustment means (Column 4, Lines 20-23 and 29-32) are provided for moving, as desired, said first image detector or said second image detector into proper alignment with an x-ray emitter for the creation of the respective x-ray image (Column 4, Lines 20-23 and 29-32);

With respect to Claim 23, Pfeiffer further teaches that the second depth of focus profile is distinctly smaller than the first depth of focus profile (Column 3 Lines 30-37 and 48-59, and Column 6 Lines 24-35).

With respect to Claim 24, Pfeiffer further teaches that the image-sensitive active surface ($2 \times B$) of said second image detector (S'1, S'2) is at least twice as large as said first image detector (B, CCD), in a first dimension (Figure 6).

With respect to Claim 25, Pfeiffer further teaches that the two image detectors are disposed in a common casing within said camera (Column 6, Lines 24-35).

With respect to Claims 26-27, as they are best understood, Pfeiffer further teaches said second image detector (S'1, S'2) is disposed alongside said first image detector (CCD), on the rear side of said first detector (Figure 6).

With respect to Claim 32, Pfeiffer further teaches that said camera has a radiolucent zone (F1, F2).

With respect to Claims 33-34, Pfeiffer further teaches that said radiolucent zone (F1, F2) is disposed alongside and between said first image detector and said second image detector (Figures 5 and 6, and Column 6 Lines 24-35).

Claims 22, 25, 26-27, 30-32, and 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent to Zeller et al. (USP# 6,055,292).

With respect to Claim 22, Zeller et al. teach an x-ray sensitive camera (4) comprising:

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- a first x-ray sensitive image detector (18) for the creation of a first tomographic image with a first depth of focus profile (Column 2, Lines 43-46);
- a second x-ray sensitive image detector (18') for the creation of a second tomographic image with a second depth of focus profile (Column 2, Lines 43-46);
- wherein adjustment means (9) are provided for moving, as desired, said first image detector (18) or said second image detector (18') into proper alignment with an x-ray emitter (3, Figure 2) for the creation of the respective x-ray image (Column 2 Lines 43-46, and Column 5 Lines 23-41);

With respect to Claim 25, Zeller et al. further teach that the two image detectors (18, 18') are disposed in a common casing (40) within said camera (Figures 1, 5, and 8).

With respect to Claims 26-27, as they are best understood, Zeller et al. further teach said second image detector (18') is disposed alongside said first image detector (18), on the rear side of said first detector (Figure 5).

With respect to Claim 30, Zeller et al. further teach that said adjustment means (9) and the two image detectors (18, 18') are disposed in a common casing (40) with said camera (Figures 1, 5, and 8).

With respect to Claim 31, as it is best understood, Zeller et al. further teach that said adjustment means (9) are provided on said casing (40) of said camera (4) and in a

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region of connecting means (8, 2, Figures 1 and 7) for the attachment of said camera (4) to a support (2), and said camera can be adjusted, as an entity, relatively to said connecting means (Column 3 Lines 7-11, and Figure 2).

With respect to Claims 32 and 34, Zeller et al. further teach that said camera (4) has a radiolucent zone, disposed alongside said first image detector and said second image detector, where x-rays enter said camera (Column 2, Lines 55-60).

With respect to Claim 35, Zeller et al. teach an x-ray system (Figures 1 and 8) having an image detector (18) built into an x-ray sensitive camera (4), comprising:

- an x-ray emitter (3) with a primary diaphragm (7);
- a second image detector (18') being provided inside said camera (Column 3, Line 22);
- wherein adjustment means (9) are provided for moving, as desired, said first (18) or second image detectors (18') into proper alignment with an x-ray emitter (3, Figure 2) for the creation of a respective x-ray image (Column 2, Lines 43-46).

With respect to Claim 36, as it is best understood, Zeller et al. further teach that said adjustment means (9) are provided on casing (40) of said camera (Figure 2).

With respect to Claim 37, as it is best understood, Zeller et al. further teach that the adjustment range of said camera is equal to at least one width of said first detector (Column 3, Lines 55-66).

Allowable Subject Matter

Claims 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to Claims 38 and 39, the prior art of record teaches many of the elements of the claimed invention, including an x-ray system having an image detector built into an x-ray sensitive camera, comprising: an x-ray emitter with a primary diaphragm; a second image detector being provided inside said camera; wherein adjustment means are provided for moving, as desired, said first or second image detectors into proper alignment with an x-ray emitter for the creation of a respective x-ray image; that said adjustment means are provided on casing of said camera; that the adjustment range of said camera is equal to at least one width of said first detector.

However, prior art fails to teach or fairly suggest the system wherein there is additionally provided an installation for the creation of teleradiographic images with another image detector, and positioning of said camera with respect to said additional installation, in the manner required by Claims 38 and 39.

Claim 40 would be allowable by virtue of its dependency upon Claim 39.

Response to Arguments

Applicant's arguments, see Applicant Response filed 17 January 2007, with respect to objections to the drawings, objections to claims 27, 31, 36, and 37-40, and 35 USC 112, second paragraph rejections of Claims 28-31 and 36-40 have been fully

considered and are persuasive. The objections to the drawings, objections to claims 27, 31, 36, and 37-40, and 35 USC 112, second paragraph rejections of Claims 28-31 and 36-40 have been overcome by the amendment.

The examiner notes that there is no objection to the oath/declaration, and that the box on the Office Summary form PTO-326 sent with the previous rejection, mailed on 17 August 2006, was checked in a typographical error.

Applicant's arguments filed 17 January 2007, with respect to prior art rejections of Claims 22-27 and 30-37 have been fully considered but they are not persuasive.

With respect to the Pfeifer reference, the Applicant asserts that Pfeifer does not teach moving either one of a first and second detector, as Pfeifer does not teach moving a first sensor to the place of a second sensor or vice versa to make use of the same part of the x-ray beam emitted by the x-ray emitter. The examiner respectfully disagrees.

The examiner assumes that the Applicant is referring to the limitations of adjustment means which move "said first image detector or said second image detector into proper alignment with an x-ray emitter for [the] creation of a respective x-ray image" as recited in Claims 22 and 35. Pfeifer teaches that a first CCD detector (Figure 6) and a second strip detector (Figure 6) arranged on a frame (R, not shown, Column 4 Lines 16-23) with a displacement mount, displaceable along the direction of the arrow (Figures 5 and 6) so that each sensor may be brought into proper alignment with an x-ray emitter for creation of x-ray images (Figure 1 and Column 4 Lines 16-35), wherein Pfeifer meets the limitations as claimed.

With respect to the Zeller reference, the Applicant asserts that Zeller does not teach moving either one of a first and second detector, as Zeller does not teach moving the sensors separately. The examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., independent movement of each sensor) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner assumes that the Applicant is referring to the limitations of adjustment means which move "said first image detector or said second image detector into proper alignment with an x-ray emitter for [the] creation of a respective x-ray image" as recited in Claims 22 and 35. Zeller teaches that a first detector (18) and a second detector (18') arranged on a carrier (19, Figure 2) displaceable along the direction of the arrow (Figure 2) so that each sensor may be brought into proper alignment with an x-ray emitter for creation of x-ray images (Figure 2, Column 2 Lines 62-65, and Column 3 Lines 7-28), wherein Zeller meets the limitations as claimed.

Therefore, the prior art rejections of Claims 22-27 and 30-37 are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

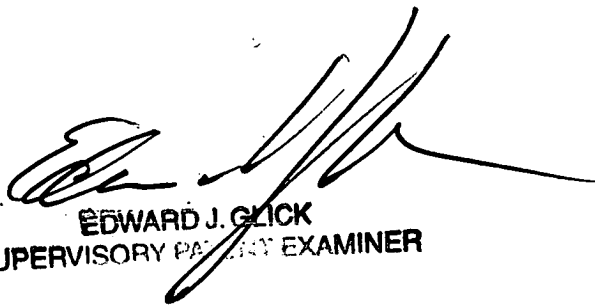
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anastasia Midkiff whose telephone number is 571-272-5053. The examiner can normally be reached on M-F 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASM
4/11/07



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